

REMARKS

Applicant has received the final Office action dated November 9, 2006, in which the Examiner rejected claims 1-8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 4,389,681 ("*Tanaka*"). With this Response, Applicant has amended claims 1, 3, 5 and 7-8. Also, Applicant added claims 9-19. Based on the amendments and arguments presented herein, Applicant respectfully requests reconsideration and allowance of the pending claims.

I. CLAIM AMENDMENTS

Applicant has amended claims 1, 3, 5 and 7-8, in part, to clarify the use of the term "control block."

II. CLAIM REJECTIONS

Claims 1-8 were rejected as being anticipated by *Tanaka*. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Amended claim 1, in part, requires "a control block, separate from the data unit, wherein the control block comprises an identifier, a first control area for use if the identifier is recognized, and a second control area for use if the identifier is not recognized." Claim 1 further requires "the control field [of the data unit] comprises at least one bit having a control action specified by the first control area." *Tanaka* fails to teach these limitations. For at least this reason, claim 1 and its dependent claims are allowable.

Amended claim 3, in part, requires "a control block having an identifier, a first control field for use if the identifier is recognized, and a second control field for use if the identifier is not recognized." Claim 3 further requires "the first control field specifies at least one control bit in the data unit and specifies a control action associated with the at least one control bit." *Tanaka* fails to teach these limitations. For at least this reason, claim 3 and its dependent claim are allowable.

Amended claim 5, in part, requires "a control block having an identifier, a first control area for use if the identifier is recognized, and a second control area

for use if the identifier is not recognized.” Claim 5 further requires “at least one bit of the control field [of the data unit] is specified by the first control area.” Claim 5 further requires “a control action associated with the at least one bit of the control field is specified by firmware in a drive reading the data storage medium.” *Tanaka* fails to teach these limitations. For at least this reason, claim 5 and its dependent claim are allowable.

Amended claim 7, in part, requires “providing, in a control block of a data storage medium, an identifier, a first control field for use if the identifier is recognized, and a second control field for use if the identifier is not recognized.” Claim 7 further requires “specifying, in the first control field of the control block, at least one control bit in a data unit stored on the data storage medium” and “specifying, in the first control field of the control block, a control action associated with the at least one control bit.” *Tanaka* fails to teach these limitations. For at least this reason, claim 7 is allowable.

Amended claim 8, in part, requires “reading a control block of the data storage medium, the control block having an identifier, a first control field for use if the identifier is recognized, and a second control field for use if the identifier is not recognized.” Claim 8 further requires “reading an area of the first control field that specifies at least one control bit in a data unit stored in the data storage medium” and “reading an area of the first control field that specifies a control action associated with the at least one control bit.” *Tanaka* fails to teach these limitations. For at least this reason, claim 8 is allowable.

III. NEW CLAIMS

The new claims contain limitations believed to be allowable.

IV. CONCLUSIONS


In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may

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be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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